

Peter Mortensen
In Court Today

Step Was Unexpected So Far as the Public is Concerned
—State Establishes a New Precedent by Having Defendant Present When Jury Panel Proceedings Are in Progress—The Largest Panel in History of Utah.

THE PRISONER ONE WEEK BEFORE
HIS TRIAL.

Mortensen, who has been a human conundrum from the time of his arrest, is as much of an enigma today as he was on the morning following the disclosure of the dreadful tragedy at Forest Dale, in December last. No one could understand him then; no one can understand him now. At the outset he maintained his innocence with an tenacity that repelled all but his most intimate friends, and even they finally held aloof as did also his wife and other relatives. Right now he is exhibiting the same incomprehensible composure that he did then. Besides he is in better health and flesh than he was five months ago. His appearance and every movement are proof of the fact that prison fare has agreed with him. There is no reason why it should not as it has been largely that of his own choice. He has been chosen by himself or his sister-in-law, Mrs. Henry Mortensen, who continues to be, as many have said, "the best friend he has on earth." Not for a day has she lost faith or interest in him. Or if she has it has not affected her loyalty to him. It is said that she proposes to stand by him to the very end no matter what the result may be or what the world may think of either of them.

The prisoner is now spending his time in reading the current literature of the day. He gets a fresh supply of this as often as he desires it, the last being conveyed to him yesterday by Mr. and Mrs. Henry Mortensen who visited him in his cell and talked over with him some of the details of his approaching trial. The work on his own private books upon which he counts to secure his liberty by proving that he had the \$3,000 so frequently referred to during the time of the murder has long been completed. He now simply awaits the day when he shall be put on trial on the shocking charge of having murdered and robbed his friend and neighbor James R. Hay. That he will face the ordeal without flinching, is the firm belief of the prison authorities, and that the state will have to prove every point it makes there is no doubt.

Peter Mortensen, who is charged with the murder of John R. Hay, was brought into Judge Morse's court room this morning for the special purpose of being present at the drawing of 150 additional jurors to the regular panel of 30 from which number a jury of twelve men will be drawn to judge of his guilt or innocence.

FIRST CASE IN UTAH.
This is the first instance in the history of criminal procedure in Salt Lake that a defendant has been brought into court for the special purpose of being present at the drawing of the special venire of jurors to serve at the trial of his case. The total number of jurors who will be summoned for the trial of the case is 180, which is by far the largest number that has ever been drawn on any case in this state. In the Benbrook case there were about 100 drawn, and in the Hamilton case a less number than that.

THE STATE'S POSITION.
The precaution taken by District Attorney Elchorn, in having Mr. Mortensen present at the drawing of the special venire, was to guard against any possible technical objection to the proceedings. According to the law a defendant in a criminal action must be present in person at all the proceedings concerning his case. Mr. Elchorn holds that the drawing of the special venire of jurors, particularly in a homicide case, is part of the proceedings and hence requires the defendant's presence in court. The district attorney has established a precedent, by his action in this case, which in the future will be a dangerous one, for attorneys for the state to omit if they wish to avoid objections which might prove fatal to the case of the prosecution.

PRISONER RODE IN CARRIAGE.
Mortensen was brought to the county building in a carriage by Deputy Sheriff Raleigh and entered the courtroom a few minutes past 10 o'clock. He appeared in good physical condition, having the appearance of being fresher than on his former appearances in court. He displayed the same cold and rigid manner which has been characteristic of him ever since his arrest for the horrible crime, and paid very little attention to the proceedings and parties in the courtroom, looking steadily before him at the walls of the room most of the time. At the jail he raised some little objection to being handcuffed, but as Deputy Raleigh was alone with him, he thought it best to take no chances so put the irons on him.

FEW PERSONS PRESENT.
There was no crowd present at the proceedings this morning as the matter had been kept quiet by the district attorney so as not to have the court room crowded. There were a few attorneys and jurors and some parties interested in the case on trial before Judge Morse present in the court room during the time Mortensen was there. Bernard J. Stewart, one of defendant's attorneys, was present and held a brief consultation with his client.

TRIAL BEGINS ON MONDAY.
That the case will come up on Monday, May 5, as originally set is beyond a reasonable doubt as the attorneys for the state and defense here stated that they will be ready for trial on that date. It is quite certain that a week will be consumed in securing a jury, and the number of jurors drawn this morning will not be very much too great from which to select the jury.

THE JURY PROCEEDINGS.
When court was convened, Mr. Elchorn stated that, in the case of the State of Utah vs. Peter Mortensen, charged with murder in the first degree, which was set for trial on Monday, May 5, 1902, he would ask that 10 more jurors be drawn in addition to the regular venire of 30 which was drawn on March 27, by the county officials. He called the court's attention to the fact that Mortensen and his attorneys were present in court. The drawing was made, Mr. Elchorn stated that, owing to the prominence of the case and the difficulty that would be experienced in securing a jury, it would be advisable to draw 120 special jurors, 50 to be summoned for Tuesday, May 6, 50 for Wednesday, May 7, and 20 for Thursday,

RUSSIAN CONSTITUTION.

Czar, It is Said, Will Shortly Issue a Rescript Giving His Empire a Fundamental Law Similar to the Administrative Scheme Drawn Up by the Late General Loris Melikoff

St. Petersburg, Sunday, April 27.—Persistent reports are in circulation to the effect that the czar shortly will issue a rescript giving Russia a constitution similar to the scheme of administrative reform drawn up by the late Gen. Loris Melikoff when he was minister of the interior and which was sanctioned by the late czar, Alexander III.

Rioting continues to spread in South Russia.

The military thus far have been unable to prevent incendiarism, terrorism and plundering. The landed properties throughout the government of Poltava are seeking refuge in the city of Poltava.

Prince Obolensky, the governor of Kherson, is apprehensive of a rising in that government. The police forces in many cities have been increased in strength, notably at Irkutsk and Archangel.

Baischaneff, the assassin of M. Sipagin, the late minister of the interior, is now reported to be very sick, due to voluntary starvation.

FUNSTON DEFENDED IN HOUSE.

Washington, April 28.—This was District of Columbia day in the house under the rules, but the regular order was postponed until Monday next in order that the house might proceed with the consideration of the agricultural bill. The naval appropriation bill was reported and the house then resumed the consideration of the agricultural appropriation bill.

Mr. Curtis made a brief but feverish defense of Gen. Funston against the criticisms to which he had been subjected.

"The people of Kansas," he began, "are proud of the brave, daring, and gallant Fred Funston. (Applause on the Republican side.) He has been criticized here for an act which for daring of conception and execution ranks with the greatest feats of arms—his capture of the new George Washington—Aguinaldo."

"If another had accomplished what Gen. Funston did," he said, "the Democrats would have made him their candidate for president."

He called attention to the fact that his promotion had been recommended by Gen. Wheaton and Gen. MacArthur, both soldiers of the civil war, "soldiers who knew more of war and the rules of war than all the politicians in this country combined." "And his commission," he added, "was signed by the greatest president we have ever had—the soldier, statesman and martyr, William McKinley." (Applause.)

Mr. Fealey of Illinois submitted some remarks in support of the contention that the laws of neutrality were being violated by this government in allowing the shipment of mules and horses to South Africa by the use of the British against the Boer republics.

He said public sentiment favored the cause of the Boers and insisted that neither secretly or openly should our government extend aid to the British. Mr. Fealey and Mr. Gillett (Miss.) clashed on the interpretation of that portion of the treaty of Washington which bound the United States and England as to what constitutes war materials.

EFFORTS TO EXPEL JESUITS
FROM ENGLAND FAIL.

London, April 28.—The efforts of the Protestant alliance to expel the Jesuits from England, under the act of George IV, have again failed. The alliance originally applied to a magistrate for summonses on the ground that certain Jesuit priests were guilty of misdemeanors, which, under the ancient law, involved banishment for life. The magistrate declined to grant the summonses, holding that the act was obsolete. On appeal in the king's bench division of the high court of justice today, the lord chief justice, Lord Almon, held that the act was obsolete and the right to review the summonses refused to issue a mandamus to compel the magistrate to do so.

THE OLEOMARGARINE BILL

Senate Concurs in House Amendments to the Same—Teller's Amendment to Impose a Tax of Ten Per Cent Upon Products of the Butter Trust Lost.

Washington, April 28.—When the senate convened today Mr. Harris of Kansas presented the following telegram, which he had received from the Kansas Millers' association:

"Kansas millers, on account of foreign discriminations, with the best wheat in the world at their door, are not producing over one-third of their full capacity. Unless your committee on foreign relations can give us relief through reciprocal concessions, placing our mills on an equal basis with foreign mills, many of our mills will shut down indefinitely and some of them will be forced to the wall. In our distress we look to our senators for relief."

The telegram was referred to the committee on foreign relations.

At his own request, Mr. Carmack of Tennessee was excused from service on the committee of education and labor.

The oleomargarine bill as it came from the house was taken up and Mr. Culberson of Texas moved that it be referred to the committee on agriculture.

The motion was defeated, 24 to 35.

Mr. Teller then offered an amendment to the renovated butter section of the bill as passed by the senate, defining a butter trust, and providing that a tax of 10 per cent shall be imposed upon the products of such a trust and upon the capital and assets of such a trust.

The amendment was defeated, 25 to 28, the detailed vote being as follows: Yeas—Bacon, Tate, Blackburn, Clark (Mont.), Clay, Cockrell, Culberson, Daniel, Dubois, Foraker, Foster (La.), Heitfeld, McHenry, McLaurin (Miss.), McClure, McPherson, McPherson, Mitchell, Patterson, Rawlins, Stewart, Teller, Tillman, Turner, Vest—25.

Nays—Allison, Burnham, Burton, Culberson, Denney, Dillingham, Doolittle, Fairbanks, Foster (Wash.), Frye, Gable, Hansbrough, Harney, Hawley, Keim, Kittredge, Lodge, McCumber, McMillan, Nelson, Perkins, Platt (Conn.), Platt (N. Y.), Proctor, Qualls, Simon, Wetmore—28.

Mr. Proctor, in charge of the measure, moved that the senate non-concur in the house amendments and a conference be requested.

Mr. Cockrell (Mo.) interposed with a motion to agree to the house amendments and the motion was agreed to without dissent, thus passing the bill.

UNITED COPPER CO.
IS INCORPORATED.

Trenton, N. J., April 28.—The United Copper company, with an authorized capital stock of \$50,000,000 was incorporated here today. The company is authorized to mine, smelt and manufacture copper, gold, silver and other metals. The capital stock is divided into \$5,000,000 preferred and \$45,000,000 common stock. It is provided, however, that the issued capital stock shall not exceed \$50,000,000 preferred and \$45,000,000 common, except on the affirmative vote of three-fourths of the directors of the company, and the holders of two-thirds of the stock of each class. It is provided that the preferred stock shall draw 6 per cent cumulative interest. There is a proviso that the company may sell its entire plant with the consent of three-fourths of the directors and the holders of two-thirds of the stock of each class. The registered agent of the company is the Hudson Trust company, of Hoboken, N. J., and the incorporators are Horatio Whitridge Truesbull, New York; Arthur A. Brownlee, Princeton; John French, New York. The papers were filed by the law firm of Carey and Whitridge, of No. 52 Wall street, New York.

RESULTS OF
FRENCH ELECTIONS.

Paris, April 28.—The minister of the interior this afternoon made public the results of 674 elections, which give the Ministerials 234 seats, sub-divided as follows:

Republicans, 89; Radicals, 92; Radical Socialists, 41; Socialists, 21. The Anti-Ministerials have 151 seats, subdivided as follows:

Nationalists, 31; Republicans, 60; One hundred and seventy-three re-bellots, of which 132 are favorable to the government and 41 are unfavorable, are necessary.

M. Paul Cassagnac has been ousted by M. Noulens (Radical) from the seat in the chamber representing the Mirande district of the department of Gers.

Corrigan's Watchers Encouraged.

New York, April 28.—Archbishop Corrigan passed a comfortable night and those who watched at his bedside were greatly encouraged early today. Dr. E. L. Keyes gave out the following bulletin at 9:30:

"All physical symptoms are favorable in the archbishop's condition. Weakness alone remains and convalescence probably will be slow."

Dr. Keyes said that the crisis had been passed and that the patient was out of danger.

Policemen Kill a Burglar.

Chicago, April 28.—In a pistol fight between two policemen and five burglars here early today one of the latter was killed. Policeman O'Connor saw two men, one of whom he recognized as a thief, standing in front of a store on Archer avenue at Loomis street. When he approached the men opened fire, fleeing at the same time. The officer gave chase, returning the shots. The firing attracted Policeman Herman Maronde, who reached the scene just as three more men came out of a side entrance. A pistol fight between the trio and the policeman ensued, and one of the men was shot through the head, dying instantly.

Locomotive Blows Up.

Dover, N. J., April 28.—A locomotive attached to a passenger train on the Delaware, Lackawanna & Western railroad, blew up near here today, killing the engineer, George Trimmer of Washington, N. J., and fireman Jos. Mayberry of Port Murray, N. J.

The first two coaches were thrown on their sides. All the passengers were taken out safely. The accident was caused by the water in the boiler becoming too low.

Sol Smith Russell is Dead.

Washington, April 28.—Sol Smith Russell, the actor, died here at 3:30 o'clock this afternoon.

Train Crashes into a Buggy.

Joliet, Ill., April 28.—At the Ratterson Crossing of the Santa Fe road, just south of Joliet last night, a fast passenger train crashed into a buggy, killing Mrs. M. B. Mullock, her daughter Ora, and a young man, Floyd C. Pearce.

A. Cummings' Condition Unchanged.

Baltimore, April 28.—The condition of Congressman Amos J. Cummings, who is suffering from pneumonia, this morning is unchanged.

POSTMASTERS APPOINTED.

[Special to the "News."]
Washington, D. C., April 28.—Idaho, pensions—Increase, Franklin B. Deane, Payette, 24.

Postmasters appointed Utah—Fairfield, Utah county, W. C. Thomas, vice C. E. Mulliner, resigned; Woodland, Summit county, John Moon, vice Lucy Peterson, resigned.

DEATH OF PIONEER.

Mrs. Jane Heath Silcock Passes Away At Riverton Yesterday.

Another pioneer passed away yesterday in the person of Mrs. Jane Heath Silcock, who died peacefully at 4 a. m. of general debility. The funeral arrangements are in the hands of Mr. Seth Pixon, who has made provision for conveyances to be at the depot at Riverton on Wednesday for the accommodation of the friends of the deceased lady, who will go down from Salt Lake. The funeral will take place at 2 p. m.

Mrs. Jane Heath Silcock was born at Hanley, Staffordshire, England, Nov. 6, 1826. At the age of 14 she embraced the Gospel and was baptized into the Church of Jesus Christ of Latter-day Saints, March 8, 1841, by Elder William Bradbury. She was later confirmed by the late President Wilford Woodruff, whom she survived her 75 grandchildren and 20 great-grandchildren. The departed pioneer emigrated to American in 1842, and was associated with the Saints at St. Louis and Nauvoo previous to the martyrdom of the Prophet Joseph Smith. Mrs. Silcock came to Utah in 1854, and was one of the original pioneers of Tooele City the year following; shortly afterwards she moved back to Salt Lake and in 1858 went south at the time of the move. After returning she resided for a short time in Grantsville to ultimately settle in Riverton in 1865.

MRS. SPENCER DEAD.

Grin Reaper Gathers in Loving Wife And Mother.

Mrs. Vennetta Naylor Spencer, wife of Henry W. Spencer and daughter of William and Annie Naylor, died yesterday at her home in this city after a painful illness. She was born in Salt Lake in August, 1855, and was highly beloved by all who knew her because of her kind and womanly nature. She is mourned by a husband and six children, to whom she was a most devoted wife and mother.

The funeral will be held from the home, 1275 east Eleventh South street, Wednesday afternoon at 2 o'clock. Friends of the family are invited to attend.

"NASTY JACK" PLEADS.

Says He is Not Guilty of Selling Liquor to Indians.

Jack Morrison, or "Nasty Jack," as he is less elegantly called, was taken before Judge Marshall today to answer to the charge of selling liquor to Indians. He was unable to furnish the bail fixed by the court he was remanded to the county prison.

U. S. Marshal Heywood has gone to Kanab to serve processes for the May term of court. Deputy Smith leaves for the north this evening on a similar errand.

Heintz Resigns
From Rio Grande

Popular Assistant Passenger Agent of the Gould Lines in Utah Suddenly Severs His Connection With the Rio Grande Western After Many Years of Vigilant and Useful Service—Departure a Matter of Genuine Regret.



GEORGE W. HEINTZ,
Whose Resignation Will be a Great Surprise to the Public.

George W. Heintz, assistant general passenger agent of the Rio Grande system, on Saturday handed in his resignation to Assistant Traffic Manager S. H. Babcock, to take effect as soon as a suitable man could be appointed to succeed him.

It is understood specifically that Mr. Heintz' resignation was entirely voluntary and was not asked for, as was the case with a number of the employees of the Rio Grande in the past few months.

There are rumors of the change on the streets yesterday and this morning, and this afternoon Mr. Heintz was asked to either deny or affirm them. When seen, that gentleman admitted that he had handed in his resignation, but declined to throw any further light upon the matter beyond the statement that he had not resigned to accept a better position with another corporation.

The news comes with the suddenness of the lightning's flash to the many friends and business associates of the popular young railroad official throughout Utah and other states where his name is known.

Of the many really capable railroad men to be found in Utah, perhaps no one has done in fact it is established—that none has done so much to advertise the resources of the intermountain country, particularly Utah, as Mr. Heintz.

As a business hustler he has always been regarded as being manifestly successful. There will be very many regrets in this state over Mr. Heintz's action. It is too early to forecast what he will do or where he will go, but whatever his lot may be, the best wishes of hundreds will go with him.

JUDGE DIEHL TRIES MANY CASES

Record Breaking Grind at This Morning Session—They Were All State Cases—An Old Man Convicted of Battery—Kay Chin Faces the Court Again

Today was the busiest day Judge Diehl has had since he was elected judge of the criminal division of the city court, there being 19 cases before him this morning. The following cases were called by Clerk Meeks this morning:

C. A. Carmer, charged with forgery, continued until Monday, May 5.

Mary Doe, charged with fornication, dismissed on motion of the attorney.

The case against John Strange continued until May 5.

L. J. Clark, accused of refusing to pay for food, continued to May 5.

T. M. Wright, charged with obtaining money under false pretenses, set for May 5.

Daisy White, incorrigibility, May 5.

A. B. Sullivan, charged with grand larceny, continued to May 5.

J. C. Schuckers, charged with forgery, was dismissed.

W. H. Brown, forgery, dismissed.

Ruby Whitaker, incorrigibility, May 5.

Thos. Marsh, obtaining money under false pretenses, May 5.

The case of Thos. McGee, charged with murder in the first degree, will come on some time this week.

Frank Walsh, grand larceny, May 5. Walsh pleaded guilty to petit larceny and was given 60 days in the county jail.

George Beesler, Frank Rafenies and Frank Papaololan, three Greeks, were arraigned on the charge of violating the game law.

Chas. Nichols, a man about 70 years of age, was tried this morning by a jury on the charge of committing a battery upon an alien, F. J. Egan. It was claimed that Nichols struck Egan with a sling shot. The jury found the defendant guilty, but recommended mercy. Judge Diehl imposed a fine of \$25.

Kay Chin, a Chinese boy who is nearly always in some sort of trouble, was arraigned on the charge of petit larceny, and the case set for tomorrow morning.

Lawrence Martin, charged with attempted larceny, entered a plea of not guilty and the case set for tomorrow morning.

MANY CLUB WOMEN STOP OVER

Four carloads of club women, representing the biennial at Los Angeles, arrived on Saturday morning at 1:30 o'clock, and were met by a committee consisting of Mrs. C. S. Kinney, chairman, Mrs. W. C. Jennings, Mrs. V. W. Ritter, Mrs. John Reed, Mrs. H. L. A. Culmer, Mrs. Mooney, Mrs. C. G. Plummer, Mrs. F. A. Vincent and Mrs. C. D. Moore, representing the local clubs. The visitors numbering in all about 80 boarded the cars and rode about the principal streets of the city and afterward went to the Ladies Literary club, where light refreshments were served during the morning and afternoon. The reception room and large hall were beautifully decorated with palms, flowering plants and cut flowers, loaned through the courtesy of Mayor Thompson from the city green house. In the reception room refreshments were served from a daintily spread table by Mrs. W. C. Jennings, Mrs. Iglehart, Mrs. W. W. Ritter, Mrs. Nellie C. Little, Mrs. Elizabeth Cramon, Mrs. Gorham, and the ladies of the reception committee. The visitors expressed themselves as charmed with the city, the club house, and the hospitality of the resident clubwomen, and seemed thoroughly to enjoy their stay. Later in the afternoon they attended an organ recital by Prof. McClellan in the Tabernacle, and were enthusiastic over the event. Yesterday the Michigan delegates arrived and with the other visitors were met at the train and afterward entertained at the Ladies Literary clubhouse by a committee consisting of Mesdames C. E. Richards, W. C. Jennings, W. H. Jones, J. Taylor, A. Grant, Greta Claesson, C. Allen, F. J. Egan and Reed. Many of the delegates visited Saltair and afterward the Tabernacle. This morning the New England delegates arrived, and at 8:30 were tendered an organ recital at the Tabernacle, the previous and ensuing time being spent at the Ladies Literary club house and in sightseeing.